

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF MASSACHUSETTS

2005 SEP 19 P 4:09

IRMA LORENUS,
PLAINTIFF

05-11903

DOCKET NUMBER
REQUESTEDDISTRICT COURT
DISTRICT OF MASS.

V.

UNITED STATES OF AMERICA *

DEFENDANT *

MAGISTRATE JUDGE Sorokin

COMPLAINTI. Parties

RECEIPT # 66987
 AMOUNT \$ 250
 SUMMONS ISSUED 9
 LOCAL RULE #1 1
 WAIVER FORM 1
 MCF ISSUED 1
 BY DPTY. CLK. 10W
 DATE 9/20/05

1. The Plaintiff, Irma Lorenus, is an individual residing at 80 Gladeside Avenue, Mattapan, Massachusetts.
2. The Defendant, is the United States of America

II. Jurisdiction

3. This action is brought pursuant to 28 U.S.C. Section 2401 and 28 U.S.C. Section 2675
Jurisdiction is founded upon 28 U.S.C. Section 2679 and the aforementioned statutory
and constitutional provisions.

III. Facts

4. On May 9, 2004, Plaintiff was a passenger in a vehicle being operated by Yvette Lorenus on Congress Street in South Boston, Massachusetts.
5. On the same date and at the same location, Diping Anderson was operating a United States Post Office vehicle that was stopped on the opposite side of the street.
6. Suddenly, Ms. Anderson swung the Post Office vehicle across Congress Street and struck Plaintiff's vehicle.
7. In accordance with Federal Torts Claim Act, counsel for the Plaintiff first presented her Claim for Damage, Injury or Death to the United States Postal Service on or about September 30, 2004.
8. On or about June 21, 2005, the United States Postal Service, issued a final denial of the claim.

9. As a result thereof the Plaintiff was injured, suffered pain of body and mind, and was obliged to expend money for medical care and attendance and incurred medical expenses in the amount of \$4,381.

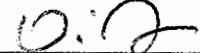
COUNT I - VIOLATION OF FEDERAL TORTS CLAIM ACT

(The Plaintiff reasserts the allegations set forth in paragraphs 1 - 9 above and incorporates the same herein by reference.)

10. The Defendant owed Plaintiff a duty that Diping Anderson, as an employee of the United States Postal Service, would drive in a careful and safe manner.
11. The Defendant breached that duty when Diping Anderson was involved in a motor vehicle accident with Plaintiff.
12. As a result thereof, Plaintiff suffered emotional distress, mental anguish and was caused to suffer other damages, which will be proven at trial.

WHEREFORE, Plaintiff demands Judgment against the Defendant in the amount of her damages, including pain and suffering, punitive damages, costs and interest. Plaintiff demands a jury trial on all counts.

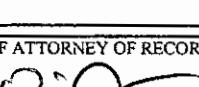
Plaintiff,
by his attorney,


DAVID GREEN, ESQUIRE
ALFORD & BERTRAND, L.L.C.
60 Arsenal Street
Post Office Box 322
Watertown, MA 02471-0322
(617) 926-8800

CIVIL COVER SHEET

JS 44 (Rev. 11/04)

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

I. (a) PLAINTIFFS Irma Lorenus		DEFENDANTS United States of America 2006 SEP 19 PM 4:09		
(b) County of Residence of First Listed Plaintiff <u>Suffolk</u> (EXCEPT IN U.S. PLAINTIFF CASES)		County of Residence of First Listed Defendant (IN U.S. PLAINTIFF CASES ONLY) NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE LAND INVOLVED		
(c) Attorney's (Firm Name, Address, and Telephone Number) <u>David Green</u> Alford & Bertrand, 60 Arsenal Street, P.O. Box 322 Watertown, MA 02471 (617) 926-8800		Attorneys (If Known)		
II. BASIS OF JURISDICTION (Place an "X" in One Box Only)		III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)		
<input type="checkbox"/> 1 U.S. Government Plaintiff		<input type="checkbox"/> 3 Federal Question (U.S. Government Not a Party)		
<input checked="" type="checkbox"/> 2 U.S. Government Defendant		<input type="checkbox"/> 4 Diversity (Indicate Citizenship of Parties in Item III)		
		CITIZENSHIP OF PRINCIPAL PARTIES (For Diversity Cases Only)		
		CITIZEN OF THIS STATE	PTF <input type="checkbox"/> 1 DEF <input type="checkbox"/> 1	INCORPORATED OR PRINCIPAL PLACE OF BUSINESS IN THIS STATE
		CITIZEN OF ANOTHER STATE	PTF <input type="checkbox"/> 2 DEF <input type="checkbox"/> 2	INCORPORATED AND PRINCIPAL PLACE OF BUSINESS IN ANOTHER STATE
		CITIZEN OR SUBJECT OF A FOREIGN COUNTRY	PTF <input type="checkbox"/> 3 DEF <input type="checkbox"/> 3	FOREIGN NATION
			PTF <input type="checkbox"/> 4 DEF <input type="checkbox"/> 4	
			PTF <input type="checkbox"/> 5 DEF <input type="checkbox"/> 5	
			PTF <input type="checkbox"/> 6 DEF <input type="checkbox"/> 6	
IV. NATURE OF SUIT (Place an "X" in One Box Only)				
CONTRACT		TORTS		
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise		PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input checked="" type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury		
REAL PROPERTY		PERSONAL PROPERTY <input type="checkbox"/> 362 Personal Injury - Med. Malpractice <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability		
CIVIL RIGHTS		PRISONER PETITIONS <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/ Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 440 Other Civil Rights		
V. ORIGIN (Place an "X" in One Box Only)		FORFEITURE/PENALTY		
<input checked="" type="checkbox"/> 1 Original Proceeding		<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs. <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other		
		BANKRUPTCY		
		<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157		
		PROPERTY RIGHTS		
		<input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark		
		LABOR		
		<input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act		
		SOCIAL SECURITY		
		<input type="checkbox"/> 861 HIA (1395ft) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g))		
		FEDERAL TAX SUITS		
		<input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609		
VI. CAUSE OF ACTION		Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity): 28 USC 2401, 28 USC 2675		
VII. REQUESTED IN COMPLAINT:		Brief description of cause: Plaintiff was involved in a motor vehicle accident with Diping Anderson, an employee of the United States Postal Service		
VIII. RELATED CASE(S) IF ANY		CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23		
		DEMAND \$	CHECK YES only if demanded in complaint: 20,000 JURY DEMAND: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
(See instructions): JUDGE		DOCKET NUMBER		
DATE 9-15-05		SIGNATURE OF ATTORNEY OF RECORD 		
FOR OFFICE USE ONLY				
RECEIPT #		AMOUNT		
		APPLYING IFP		
		JUDGE		
		MAG. JUDGE		

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTSFILED
U.S. DISTRICT COURT
MASSACHUSETTS
OFFICE1. Title of case (name of first party on each side only) Trma Lorenus v. United States

2005 SEP 19 P 4:09

2. Category in which the case belongs based upon the numbered nature of suit code listed on the civil cover sheet. (See local rule 40.1(a)(1)).

I. 160, 410, 470, 535, R.23, REGARDLESS OF NATURE OF SUIT.

II. 195, 196, 368, 400, 440, 441-446, 540, 550, 555, 625, 710, 720, 730, *Also complete AO 120 or AO 121
740, 790, 791, 820*, 830*, 840*, 850, 890, 892-894, 895, 950. for patent, trademark or copyright cases

III. 110, 120, 130, 140, 151, 190, 210, 230, 240, 245, 290, 310,
315, 320, 330, 340, 345, 350, 355, 360, 362, 365, 370, 371,
380, 385, 450, 891.

IV. 220, 422, 423, 430, 460, 480, 490, 510, 530, 610, 620, 630, 640, 650, 660,
690, 810, 861-865, 870, 871, 875, 900.

V. 150, 152, 153.

3. Title and number, if any, of related cases. (See local rule 40.1(g)). If more than one prior related case has been filed in this district please indicate the title and number of the first filed case in this court.

Francoise Enfort v. United States, Yvette Lorenus v. United States

4. Has a prior action between the same parties and based on the same claim ever been filed in this court?

YES NO

5. Does the complaint in this case question the constitutionality of an act of congress affecting the public interest? (See 28 USC §2403)

YES NO

If so, is the U.S.A. or an officer, agent or employee of the U.S. a party?

YES NO

6. Is this case required to be heard and determined by a district court of three judges pursuant to title 28 USC §2284?

YES NO 7. Do all of the parties in this action, excluding governmental agencies of the united states and the Commonwealth of Massachusetts ("governmental agencies"), residing in Massachusetts reside in the same division? - (See Local Rule 40.1(d)).YES NO A. If yes, in which division do all of the non-governmental parties reside?Eastern Division Central Division Western Division

B. If no, in which division do the majority of the plaintiffs or the only parties, excluding governmental agencies, residing in Massachusetts reside?

Eastern Division Central Division Western Division

8. If filing a Notice of Removal - are there any motions pending in the state court requiring the attention of this Court? (If yes, submit a separate sheet identifying the motions)

YES NO

(PLEASE TYPE OR PRINT)

ATTORNEY'S NAME David GreenADDRESS Alford & Bertrand, 60 Arsenal Street, P.O. Box 322, Watertown, MA 02471TELEPHONE NO. (617) 926-8800